

February 15, 2002

BY FACSIMILE

Sam Behrends, IV, Esq.
Catherine P. McCarthy, Esq.
LeBoeuf Lamb Greene & MacRae, LLP
1875 Connecticut Ave., NW
Suite 1200
Washington, DC 20009-5728

Dear Mr. Behrends and Ms. McCarthy:

On February 13, 2002, the Commission issued an order stating that it intended to gather information on whether any entity, including any Enron Corporation (through any of its affiliates or subsidiaries) manipulated short-term prices for electric energy or natural gas in the West or otherwise exercised undue influence over wholesale electric prices in the West since January 1, 2000, resulting in potentially unjust and unreasonable rates in long-term power sales contracts subsequently entered into by sellers in the West.

Pursuant to that order, I hereby request that you make available copies of, and provide information regarding (specified below), all contracts for (1) wholesale electric energy and/or capacity and/or ancillary sales and purchases, and (2) retail sales of electricity, to which any Enron affiliate or subsidiary ("Enron company") is a party and:

- on which any Enron company has defaulted or has sent or received a notice of default (either as supplier or purchaser); and/or
- which has been canceled, wound down, cashed out, or otherwise terminated early, either pursuant to a specific provision of the contract (such as a credit provision) or otherwise, by the Enron company and/or a counterparty to the contract.

Your response is to include contracts from January 1, 2000 to the present. The scope of this data request is *not* limited to contracts for power sales or purchases within the State of California, but includes contracts for power sales and purchases throughout the United States, and it encompasses contracts for retail sales of electricity *and* contracts for wholesale sales and/or purchases of energy, capacity, and/or ancillary services by *any* Enron affiliate or subsidiary. Copies of all service agreements, amendments, and

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supplements must be included with the contracts.

In addition to making available copies of the contracts, you are to provide, in tabular form, the following information with respect to each individual contract that is responsive to this request, which table clearly identifies (through the use of a unique letter or number for each contract) the specific contract being described:

- the full legal name(s) of the Enron company or companies that is (are) party(ies) to the contract;
- the names and addresses of the counterparty(ies) to the contract, including at least one contact person for each counterparty and a telephone number for each contact person;
- the term of the contract, the execution date of the contract, the dates of delivery, and the points of delivery;
- the product(s) being sold and/or purchased under the contract, including information with respect to the firmness and availability of the product(s);
- whether each Enron company that is a party to the contract is a supplier or purchaser under the contract, with respect to each individual product being sold or purchased under the contract;
- the amounts of electricity or energy and/or capacity and/or ancillary services being sold or purchased under the contract;
- prices for all products sold or purchased under the contract;
- the article numbers or section numbers of contractual provisions that address default, breach (including anticipatory breach), early termination, cancellation, cashing out, credit or creditworthiness, or any other similar provisions; and
- a narrative description of the event, whether default, cancellation, winding down, cashing, or early termination, that makes the contract responsive to this data request. This description must include the date when such event occurred and whether it was pursuant to a specific contractual provision (which must be

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referenced) or otherwise. Please make available copies of any correspondence sent by the parties to the contract with respect to such event. Please provide the amount of any form of consideration (including liquidated damages, punitive or compensatory damages, or cash-out amount) paid with respect to such event.

In order to facilitate the formation of any follow-up data requests, please provide the name(s) and telephone numbers of Enron technical personnel who are familiar with the terms of the contracts that are provided with your response.

You are to provide your response to me by no later than March 1, 2002. Thank you.

Very truly yours,

Donald J. Gelinas
Associate Director
Office of Markets, Tariffs and Rates

cc: The Hon. Joe Barton
2264 Rayburn House Office Building
Washington, DC 20515